

Appl. No. 09/751,645
Amdt. Dated February 4, 2005
Reply to Office Action of November 18, 2004

REMARKS/ARGUMENTS

In the above-mentioned Final Office Action, claims 1, 14, 15, 25-27, 29, 31-32, 46 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by O.F. Kleeb et al. (U.S. Pat. No. 1,730,938; "Kleeb"). Claims 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kleeb in view of A.C. Jacobson (U.S. Pat. No. 1,746,594; "Jacobson"). Finally, claims 1, 14, 15, 25-27, 29, 41, 42, 48 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lavis (U.S. Pat. No. 4,163,404; "Lavis") in view of Kleeb. Applicant has amended claims 1 and 14 to more clearly define Applicant's invention, and cancelled claims 41-44. Applicant respectfully notes that claims 31, 32, 46 and 47 were cancelled in the June 29, 2004 Amendment in response to the previous Office Action.

Responsive to the rejection of claims 1, 14, 15, 25-27, and 29 under 35 U.S.C. § 102(b) as being anticipated by Kleeb, Applicant submits that each of amended independent claims 1 (from which claims 29, 48 and 49 depend) and 14 (from which claims 15 and 25-27 depend) contains elements not taught by Kleeb.

As indicated above, amended claim 1 recites "a balancing apparatus . . . arranged to move relative to said saw blade during operation of said power saw," and amended claim 14 recites "balancing means . . . coupled to said oscillating saw means for movement relative to said oscillating saw means during use of said power saw." The Examiner has identified in Kleeb extending arm 60/counterweight 61 as a "balancing apparatus," and saw 22 as a "saw blade" or "saw means." Applicant respectfully submits that extending arm 60/counterweight 61 are not "arranged to move relative to said saw blade during operation." Additionally, Applicant respectfully submits that extending arm 60/counterweight 61 are not "coupled to [an] oscillating saw means for movement relative to said oscillating saw means during use." To the contrary, extending arm 60 is always fixed relative to saw 22, and counterweight 61, although adjustable relative to extending arm 60, is fixed during use of saw 22 using set screw 62. (Kleeb, pg. 3, ll. 1-8). Accordingly, Applicant submits that independent claims 1 and 14 (and the remaining dependent claims 15, 25-27, 29, and 48-49) are not anticipated by Kleeb.

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Responsive to the rejection of claims 1, 14, 15, 25-27, 29, 48 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Lavis in view of Kleebe, Applicant again submits that each of amended independent claims 1 (from which claims 29, 48 and 49 depend) and 14 (from which claims 15 and 25-27 depend) contains elements not taught by the cited combination.

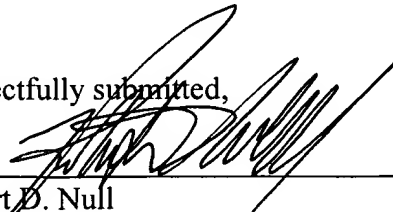
More specifically, the Examiner has identified in Lavis counterbalance 21 as a "balancing apparatus," and saw assembly 35 as a "saw blade" or "saw means." As is the case with Kleebe, however, the counterbalance 21 of Lavis does not satisfy the above-quoted relative movement limitations of claims 1 and 14. Counterbalance 21 is secured to the end of bar 19. (Lavis, col. 2, ll. 47-48). Nothing in Lavis indicates that counterbalance 21 moves relative to saw assembly 35 during use of the disclosed saw. As such, Applicant respectfully submits that claims 1 and 14 are patentable over Lavis in view of Kleebe. Accordingly, dependent claims 15, 25-27, 29, and 48-49 should also be allowed.

For all of these reasons, Applicant submits that claims 1, 14, 15, 25-27, 29 and 48-49 are not disclosed, taught or suggested by the references of record, thereby placing the application in condition for allowance. Applicant respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-8327.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,



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